

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The rejection of claims 1-10 under 35 U.S.C. § 103 as allegedly being made “obvious” based on Farber ’280 in view of Messing ’327 is respectfully traversed.

Initially, it is noted that the Examiner’s reliance upon Farber is exclusively upon column 43, lines 24-40 --which is claim 34 of the Farber ’280 reference. It is further noted that the Farber ’280 patent issued from an application filed on April 1, 1999 -- which is after Applicant’s earliest priority date of March 31, 1999. It is respectfully noted that Applicant is entitled to that priority date because the certified priority documents are of record and, for example, pending claim 1 now at issue is essentially identical to claim 1 as originally filed by the applicant at the UK Patent Office on March 31, 1999.

In short, Farber ’281 is not qualified as prior art under 35 U.S.C. § 102(e) -- nor does it appear to be qualified as prior art under any other portion of 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

The face of the Farber ’280 patent does indicate that it is a division of an earlier filed application now issued as US Patent No. 5,978,791. However, inspection of that earlier issued patent reveals that it does not contain a claim having the substance of claim 34 at column 43, lines 24-40 of the Farber ’280 patent upon which the Examiner exclusively relies.

The antecedent basis for claim 34, if any, in the specification of either Farber ’280 or Farber ’791 is not immediately apparent to the undersigned. Should this ground of rejection be continued, it is respectfully requested that the Examiner point out the basis for such rejection with respect to the text of Farber ’791 which does appear to have an early enough date to qualify for “prior art” with respect to this application.

In any event, even if claim 34 of Farber '280 is assumed *arguendo* to constitute “prior art”, neither it nor Messing '327 nor any combination thereof proposed by the Examiner teaches or suggests Applicant’s claimed invention.

Farber is primarily concerned with caching content at different servers on a network. As was the case with earlier cited art (e.g., see Applicant’s submission of December 7, 2005), the system of Farber **will copy** a file **if it is changed** in order to update a cache. In contrast, Applicant’s system **will copy** a file **if it is not changed**.

Farber does not appear to teach anything which would prevent a hacker from altering a file and then relying on Farber’s content distribution network to propagate the maliciously altered file around the system. If a hacker could create a scratch (col. 17, lines 32 to column 18, line 7), modify the file, assimilate the file (column 14, lines 25-26) which would provide the ‘True Name’. Thereafter the change would be reflected at mirror sites by the Mirror True file process (column 26 lines 20-40). There is nothing in Farber about those seeking to update files having to provide an identity, let alone authenticate that identity.

As for Messing, well everyone knows that one of the things digital signatures do is to provide integrity – i.e. if a malicious party alters the thing that has been signed, then the digital signature won’t be verified. The point is where and/or when that verification takes place -- in Messing it appears to take place after the file has been received (see claim 2 of Messing) -- in Applicant’s claimed invention – verification takes place before the file is sent.

The Examiner’s attention is also drawn to new dependent claims 11-15 which are believed to add yet further patentable distinction to the Applicant’s claimed invention.

WRIGHT et al. – AMENDMENT
Appl. No. 09/936,210
February 12, 2007

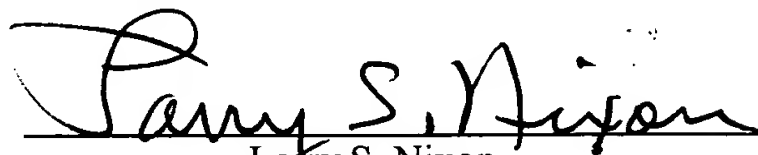
Group Art Unit 2131
Attorney Docket 36-1473
Confirmation No. 2424

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


Larry S. Nixon
Reg. No. 25,640

LSN:yst
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100